

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3336 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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BANKIM C SHAH

Versus

BANK OF INDIA  
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Appearance:

1. Special Civil Application No. 3336 of 2002  
GIRISH PATEL ASSOC for Petitioner No. 1  
MR AJ YAGNIK for Petitioner No. 1  
MR CHUDGAR for NANAVATI ASSOCIATES for Resp.
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CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 16/03/2002

ORAL JUDGEMENT

Heard the learned Counsel on both sides.

Rule. Learned Counsel Mr. Chudgar for Nanavati Associates appearing for respondents, on instruction, waives service of rule.

The short submission made on behalf of the petitioner is that in the ongoing enquiry against the petitioner, a genuine difficulty has arisen in the matter of being properly defended due to the defence officer being on leave for genuine reasons. Learned Counsel Mr. Yagnik fairly submitted and conceded that the Departmental enquiry against the petitioner was required to be proceeded as far as possible on day-to-day basis and was also required to be completed expeditiously as possible. He further submitted that but for the aforesaid reason the petitioner is, and will be co-operating in the conduct of the enquiry and does not intend to prolong it on any flimsy ground.

Learned Counsel Mr. Chudgar objected to this submission and argued that the defence officer could have foreseen the circumstances of his taking leave during this period and that this was an attempt at delaying the proceedings.

However, in the prevailing facts and circumstances and relying upon the solemn statement made on behalf of the petitioner, it appears just and proper that the enquiry is not proceeded for five days as requested by the petitioner. On this consideration, the petition is partly allowed and the respondents are directed not to proceed with the ongoing enquiry against the petitioner till 21.3.2002. The petitioner shall abide by his statement. Rule made absolute with no order as to costs. Learned Counsel for the respondent Mr. Chudgar shall convey this order today to the officer concerned.

Direct service permitted.

(D.H.Waghela, J.)

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